UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,210	08/26/2003	Brian Scott Hallisey	200206455-1	1934

22879   7590   09/10/2007
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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/647,210	HALLISEY ET AL.
	Examiner	**Art Unit**	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 June 2007_.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08/26/2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Amendment filed

06/08/2007.

B.   Claims 1-25 remains pending.

Drawings

1.   Figure 1A should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

3.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jong et al (US 7,107534 B1).

As for independent claim 1, Jong teaches a method of using a Graphical User

Interface (GUI) to display relationships amongst resources of a system, the method

comprising: illustrating at least two overlapping but separate hierarchies in the same

mosaic-like graphic (figure 14-15 and col.10, line 8), each hierarchy representing one or

more of the relationships amongst the resources (figure14).

As for independent claim 18, Jong teaches a method of displaying relationships

amongst first, second and third types of resources of a system (figures 14 and 15), the

method comprising: preparing a graphic of at least two separate but overlapping

hierarchies such that viewing the graphic in a first direction represents a first one of said

separate but overlapping hierarchies in which ones of the first resource type ("Host

Waterloo") report hierarchically to ones of the second resource type (wherein depicted

in figure 13 (in relation to figure 12, the hierarchy of the enterprise) the subsystems

"Compaq K104" and "Digital Z3" report hierarchically to the subsystems "ones" of the

second resource type "Host Another"; col.9, lines 45 and 55-60)), and viewing the

graphic in a second direction different from the first direction represents a second one of

said separate but overlapping hierarchies in which ones of the first resource type report

hierarchically to ones of the third resource type ("Host YetAnother"; figures 14 and 15

col.10, lines 14-16); and displaying the graphic (figure 13).

As for dependent claims 19-22, Jong teaches the method of claim 18, wherein the

graphic is mosaic-like (figure 13); wherein each of the first, second and third resources

is represented as an iconic element of the mosaic-like graphic (figure 13); wherein the

first one of said separate but overlapping hierarchies represents physical storage

resources of a storage system (figure 13), and the second one of said separate but

overlapping hierarchies represents logical storage resources of the storage system

(figure 15); wherein the second direction is opposite to the first direction (col.9, lines 55-

60 and col.10, lines 8-16) .

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 2-17, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kanevsky et al (US 6,426,761 B1) in view of Jong et al (US 7,107534 B1).

As for claims 2, 3, 6-17, 23 and 24 Jong teaches the method of claim 1 (note the

above analysis), wherein said resources are represented by icons and at least one

resource occupies a rank in at least two of said overlapping but separate hierarchies

(figures 14-15, wherein figure 14 shows a rank or heritage of the icons) Jong does not

specifically mention that an icon can change size by system or user, however in the

same field of endeavor Kanevsky teaches further comprising: sizing said icons in

proportion to said at least one attribute of said represented resource (col.4, lines 14, 31,

38, 44,-46 and 51); wherein said at least one attribute is storage capacity (col.4, line

45). wherein said interaction results in a change in said at least one attribute of said

represented resource (user interaction with the system will cause for icons to be

displayed in the nature sought by end user or default manufacture as respected realized

(col.4, line 15); and in response to said interaction, restructuring said first mosaic-like

pane by at least re-sizing said icons proportional to a change in said at least one

attribute of said represented resources (col.4, lines 14-15, 34, 45 and 51), compared to

a footprint of said at least one attribute prior to said interaction (col.6, lines 34-37);

displaying attributes of said represented resource (col.6, line 7); and receiving changes

to said attributes (col.5, line 66 and col.6, line 25); illustrating said attributes in a pop-up

window(col.5, line 66); receiving a user indication through a peripheral device (col.5, line

66); receiving an indication of a new relationship developed between a resource of the

type represented in said second mosaic-like pane and the resources represented in

said first mosaic-like pane (col.5, line 66 and col.4, line 14); and restructuring, in

response to receiving said indication (col.6, line 7), said at least two overlapping but

separate hierarchies and corresponding said first mosaic-like pane by at least re-sizing

said icons proportional to a change in said at least one attribute of said represented

resources (col.5, lines 1-5 (organizational structure) and col.4, lines 14, 31, 38, 44,-46

and 51), compared to a footprint of said at least one attribute prior to receiving said

indication (col.6, lines 34-37); processing a drag-and-drop of at least one said

independent icon from said second mosaic-like pane to said first mosaic-like pane

(col.6, line 24); rejecting said processing of an invalid said drag-and-drop(col.6, line 35);

displaying a pop-up window for receiving changes to said attributes (col.5, line 66);

method of controlling the relationships amongst resources of a system (col.4, lines 54-

55); manipulating a relationship of resources in said iconically illustrated system (col.4,

lines 38); and re-sizing areas of, in response to said manipulating (col.4,line 43), the

relative footprints of said icons according to an effect upon the corresponding

resources, respectively, caused by the relationship manipulation (col.6, lines 25 and 33-

40). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Kanevsky into the teachings of Jong to create the

organizational structure as described above, this is true because Kanevsky's invention

teaches the method and apparatus for generating graphical user interfaces for a variety

of browser applications that organize icons, text, windows, etc into any arrangement

best fit by the end user or manufacture default setting therein (col.3, lines 39-43), thus

presenting an immediate relation to the teachings of Jong's organization of icons that

show the relation of resources of a computer.

As for dependent claims 4-5 and 25, Jong teaches the method of claim 2, further

comprising: arranging said icons representing same type of resources into columns,

wherein adjacent columns group different resources, and a row intersecting adjacent

columns indicate relationships between particular resources of the respective column

(figures 14-15); labeling said one of hierarchical columns and hierarchical rows with an

indication of said at least one common feature (labels depicted in figures 14-15).

(Note:)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and

any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it

contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In

re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158

USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 06/08/2007 have been fully considered but they are

not persuasive.

1A.   Applicant asks the questions: "How is it that the Examiner observes a

second hierarchy in Figures 13 and 15? Where is overlap depicted?"

1R.   In figure 13 there is depicted <u>one fully expanded hierarchy</u> the structure of

this hierarchy is as follows. Root node from the Host column "Host "waterloo""; two child

nodes off of the root node are "Compaqk104" and "Digital z3" in the hierarchy level

called "Subsystems". In this case the user selected "Compaqk104" which shows the

next level of the hierarchy called Controllers. The node displayed under the parent node

Compaqk104 is the child node "A110 Controller", the user selected this node and the

next level of the hierarchy is displayed, wherein the level is called "Drives" with the child

nodes "Drive A", "Drive B" and "Drive C" for parent node "A110 Controller". The second

hierarchy is called "Host Another". Where in the user can select this "root node" and

display corresponding nodes of that hierarchy in the levels of Subsystem, Controllers

and Drives. The same goes for the Third hierarchy displayed that is called "Host

YetAnother". The overlap depicted in figure 13 wherein the other host root nodes can

have access to the same logical device such as "Digital Z3" subsystem.

2A.   Applicant argues that the graphic is not mosaic-like.

2R.   Examiner does not agree. In figure 12 it is depicted in a graphical pane the

illustration of the Host Waterloo hierarchy, featured with 2d graphics representing

varying nodes in the hierarchy.

3A.   Applicant argues that Kanevsky does not describe an indirect relationship

by reciting the re-sizing of areas, in response to said manipulating, of the relative

footprints of said icons according to an effect upon the corresponding resources,

respectively, caused by the relationship manipulation.

3R.   Examiner does not agree. As stated in column 6 of Kanevsky in lines 1-17

that fractal dimension or spatial distribution may be based, include, for example,

frequency of icon use, regency of icon use, relationships between information

represented by items such as icons or links, etc.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

N. Augustine
August 29,2007